

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

United States of America

Criminal No. 3:08-cr-36-04-PJB

Jorge Velasco Mella

O R D E R

Defendant Jorge Velasco Mella moved for access of the data corresponding to the selection of petit and grand juries in the District of Puerto Rico pursuant to 28 U.S.C. § 1867 (b). (Dkt. No. 187.) The government did not oppose said motion. (Dkt. No. 207). The court ordered that specifically identified data be delivered to Mr. Velasco Mella's expert. (Dkt. Nos. 306 and 307.) The court also ordered the parties to confer in order to agree upon the terms of a joint protective order which shall govern the manner in which the data is delivered and maintained. Mr. Velasco Mella has, in the interim, proposed that the government be permitted to have equal and simultaneous access, if it so desires, so as not to delay the filing of any motions relating to jury selection.

The parties have conferred in accordance with Dkt. Nos. 306 and 307 with regard to the receipt by expert(s) of the jury selection data. They have agreed to the following terms. The court hereby approves these terms relating to the analysis of the data and orders the Clerk of the Court to comply by utilizing a secure courier service or the Express Mail service of the U.S. Postal Service to deliver the data to the expert(s).

(1) Experts shall maintain the CDs in secure locations limited to their homes and offices;

(2) Access to the CDs and the information contained therein is limited to the persons identified herein, specifically, Mr. Velasco Mella, his expert, William B. Fairley, Ph.D. President, Analysis and Inference, Victoria Mills, 1489 Baltimore Pikes, Suite 305, Springfield, PA 19064, the United States, its attorneys and its respective expert, to be identified by Informative Motion at a future date, if necessary;

(3) Copies of any portion of the CDs shall be made without prior court approval but Informative Motions describing what has been copied or printed shall be filed on December 15, 2008, and January 20, 2009, by Velasco Mella and/or by the United States;

(4) Information contained in the CDs shall not be used for any other purpose other than to investigate a potential challenge to the jury selection system under 28 U.S.C. § 1867(b);

(5) Copies of the CDs as well as any records containing extracts of information obtained from the CDs shall be returned to the Clerk's Office once any motion challenging the jury selection system is resolved by the District Court or a decision is made by the defendant not to pursue such a challenge.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge
Sitting by Designation

October 21, 2008

cc: Counsel of Record